

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ABBOTT CARDIOVASCULAR SYSTEMS INC.)	
and ABBOTT LABORATORIES INC.,)	
)	
Plaintiffs,)	
)	Civil Action No. 98-80 (SLR)
v.)	(Consolidated with C.A. No. 98-314
)	(SLR) and C.A. No. 98-316 (SLR))
MEDTRONIC VASCULAR, INC. and)	
MEDTRONIC USA, INC.,)	
)	
Defendants.)	

**SUBMISSION OF FDA LETTER PROVIDING NOTICE OF APPROVAL
OF ABBOTT'S XIENCE DRUG-ELUTING STENT**

Pursuant to Local Rule 7.1.2(c), Abbott Cardiovascular Systems Inc. and Abbott Laboratories Inc. (collectively "Abbott") submit a copy of a letter dated July 2, 2008, from the Food and Drug Administration ("FDA"), notifying Abbott that the FDA has approved Abbott's application to begin marketing its Xience™ V Everolimus Eluting Coronary Stent System ("Xience") in the United States. (Ex. 1.) On the same date, Abbott issued a press release announcing its immediate release of the Xience in the United States. (Ex. 2.) Because Abbott's Xience competes directly against Medtronic's infringing Endeavor (which contains Medtronic's infringing Driver stent), Medtronic's infringing sales of its Endeavor have been causing substantial irreparable harm to Abbott, particularly in light of Abbott's recent release of the Xience in the United States.

To address Medtronic's infringing sales of its Endeavor, Abbott requests that the Court grant Abbott's Motion to Lift Stay of Proceedings on Abbott's Motion for Permanent Injunction as to Medtronic's Endeavor (D.I. 824) and enjoin Medtronic from continuing to infringe

Abbott's patents-in-suit through sales of the Endeavor and Medtronic's other infringing stents. In particular, when deciding Abbott's request for an injunction of the Endeavor, Abbott requests that the Court consider the fact that Abbott's newly released Xience competes directly against Medtronic's infringing Endeavor in the U.S. stent market.

Of Counsel:

J. Michael Jakes
Gerald F. Ivey
Michael A. Morin
FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000

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Frederick L. Cottrell, III (#2555)
cottrell@rlf.com
Anne Shea Gaza (#4093)
gaza@rlf.com
RICHARDS, LAYTON & FINGER
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
(302) 651-7700
*Attorneys for Plaintiffs Abbott Cardiovascular
Systems Inc. and Abbott Laboratories Inc*

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2008, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Karen Jacobs Loudon, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347

I hereby certify that on July 21, 2008, I have sent by Federal Express the foregoing document to the following non-registered participants:

Kevin S. Rosen, Esquire
Matthew Hoffman, Esquire
Anthony S. Newman, Esquire
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197

H. Mark Ryan, Esquire
Frederick S. Chung, Esquire
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211



Anne Shea Gaza (#4093)
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, Delaware 19899
(302) 651-7700
gaza@rlf.com